

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Public Services - A.P.E.S. - Sri N.Sambasiva Rao, Assistant Executive Engineer (Now Deputy Executive Engineer) - Preceded on long leave - Regularization of the period of his unauthorized absence as extra-ordinary leave on medical grounds - orders - Issued.

IRRIGATION & CAD (SER.IV.2) DEPARTMENT

G.O.Rt.No. 469

Dated:03.04.2009.

Read the following:-

1. Engineer-in-Chief (A.W) Proceedings No.Rc/ENC/K2/45162/94, Dated: 16.12.1995.
2. Engineer-in-Chief (A.W) Proceedings No.Rc/ENC/K2/45162/94, Dated: 17.6.1997.
3. Representation from Sri N.Sambasiva Rao, Deputy Executive Engineer, Special Division, Vijayawada, dated: 22.1.2009.
4. Govt. Memo No.2671/Ser.IV.1/2009-1, I&CAD Department, Dated: 13.2.2009.
5. From the Engineer-in-Chief (A.W)Letter No.Rc/ENC/VC2/26362/04, Dated.21.2.2009.

ORDER:

In the reference 1st and 2nd read above, the Engineer-in-Chief (Admn.Wing), Hyderabad has issued orders duly imposing stoppage of one increment without cumulative effect on him and the period of his absence from 13.10.1982 to 19.12.94 as dies-non, vide his proceedings dated: 16.12.1995. The gap period from 12.03.1980 to 14.07.1980 and 23.07.1980 to 03.10.1982 also treated as Dies-non vide his proceedings dated.17.06.1997.

2. In the reference 3rd read above, Sri N.Sambasiva Rao, Deputy Executive Engineer has made a representation to the Government with a request to re-examine his case sympathetically on humanitarian grounds to consider the period of leave as Extra ordinary leave on medical grounds for consideration of the period in calculating the pensionary benefits to avoid financial hardship to him as he is in verge of retirement.

3. In the reference 4th read above, the Engineer-in-Chief (AW) was requested to furnish his remarks on the said representation of Sri N.Sambasiva Rao, Deputy Executive Engineer, Special Division, Vijayawada. Accordingly, the Engineer-in-Chief (AW) has submitted his report in the reference 5th read above.

4. After examining the entire issue, it is found that no prima-facie had been established in the preliminary enquiry. Strangely the office of the Engineer-in-Chief without considering the minimum requirements under statutory rules and by violating all principles of natural justice treated the period of absence as dies-non without disposing the leave applications pending at their level which is highly objectionable and such action will also be held unlawful.

5 Government after careful examination of the matter, the penalty imposed by the Engineer-in-Chief (AW) vide his proceedings in the reference 1st and 2nd read above against Sri N.Sambasiva Rao, Assistant Executive Engineer,

Special Division, Vijayawada (now Deputy Executive Engineer), without following the due procedure laid down under A.P.C.S.(CC&A) Rules, 1991 and without jurisdiction, is hereby set aside. The absence period supported by leave shall be treated as an Extra-ordinary leave for Medical Grounds.

6. The Engineer-in-Chief (AW) is requested to take action accordingly and also requested to initiate disciplinary action against the concerned in the office of the Engineer-in-Chief (AW) for not following the A.P.C.S.(CC&A) Rules, 1991 and also for not following the minimum requirements before imposing the punishment against the above Deputy Executive Engineer.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.P.TUCKER
PRL.SECRETARY TO GOVERNMENT

To

Sri N.Sambasiva Rao, Deputy Executive Engineer, now holding Executive Engineer, Special Division, Vijayawada **through** the Engineer-in-Chief (AW), Hyderabad.

Copy to Engineer-in-Chief (AW) Hyderabad.

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SECTION OFFICER